

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAROLYN J. WILLIAMS ,

Plaintiff,

v.

KING COUNTY, JUVENILE COURT
SERVICES, a Washington Public
Corporation, *et al.*,

Defendants.

Case No. C04-5034RBL

ORDER DENYING DEFENDANT'S
MOTION TO COMPEL

This matter is before the court on Defendant King County's Motion to Compel. [Dkt. #41]. King County seeks the production of ten years worth of income tax returns filed by Plaintiff and her husband, as well as supplementation of a variety of other discovery requests. Defendant argues that the returns are discoverable because it is entitled to discover the "financial motives" of Plaintiff in pursuing this action. It argues further that because the Plaintiff's discovery responses were 18 days late, she has waived any otherwise applicable objection to the production of the tax returns, as well as the other discovery. It seeks fees and costs in having to pursue this motion.

Plaintiff responds that (1) King County failed to conduct a CR 37 [*sic*; should be Fed. R. Civ. P.

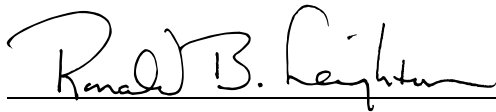
1 37(a)(2)(A)] conference, a mandatory prerequisite to moving to compel in this court (see also LR 37(a));
2 (2) the request for ten years of jointly filed tax returns is abusive and unnecessary, and the W-2 forms she
3 supplied (for 1998-2002) is sufficient; (3) King County did not notify her prior to this motion that it
4 deemed her responses on the other discovery requests to be insufficient, and except for the 18 day delay,
5 has not demonstrated any basis for additional responses; and (4) that she, and not King County, is entitled
6 to fees.
7

8 Under the circumstances of this case, the relatively minimal (18 day) delay, and the Defendant's
9 failure to comply with clear rules requiring good faith conference about the issue now before the court,
10 the court finds that Plaintiff has not waived her objections to the requested discovery. The Defendant has
11 agreed to accept W-2 forms for the 1994 -2004 period in lieu of tax returns, and the court ORDERS the
12 plaintiff to provide such W-2s to the extent they have not been provided to date.
13

14 Finally, the Defendant's failure to confer with the Plaintiff about the insufficiencies it claims with
15 respect to the "other" discovery responses make its motion premature. Other than their tardiness, the
16 Court does not know what the Defendant deems insufficient or incomplete with respect to these responses.
17 The Court strongly encourages the parties to confer regarding these remaining issues, if any, and to comply
18 with Rule 37 if they cannot resolve the matter themselves. For the time being, the Defendant's Motion to
19 Compel on these "other issues" is DENIED WITHOUT PREJUDICE.
20

21 The Court declines to award fees or costs to either party.
22

23 Dated this 15th day of April, 2005
24

25 
26 RONALD B. LEIGHTON
27 UNITED STATES DISTRICT JUDGE
28